

**PUBLIC CHAPTER NO. 868**

**HOUSE BILL NO. 3044**

**By Representatives Sontany, Hardaway**

**Substituted for: Senate Bill No. 2910**

**By Senators Jackson, Marrero**

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 4, Part 1; Title 36, Chapter 4, Part 1; Title 36, Chapter 5, Part 1; Title 40, Chapter 11, Part 1 and Title 56, Chapter 7, Part 23, relative to domestic relations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-103 , is amended by adding the following language as a new, appropriately designated subsection:

(g) Notwithstanding any law to the contrary requiring mediation, the filing with the court of a properly executed marital dissolution agreement and, if there are minor children of the marriage, a properly executed parenting plan shall serve to remove any requirement that the parties shall attend mediation. If the court does not approve either the marital dissolution agreement or the parenting plan, then any requirement to attend mediation shall be reinstated as of the date of the court's rejection of either agreement.

SECTION 2. Tennessee Code Annotated, Section 36-4-129(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The court may, upon stipulation to or proof of any ground of divorce pursuant to § 36-4-101, grant a divorce to the party who was less at fault or, if either or both parties are entitled to a divorce or if a divorce is to be granted on the grounds of irreconcilable differences, declare the parties to be divorced, rather than awarding a divorce to either party alone.

SECTION 3. Tennessee Code Annotated, Section 36-5-101(k)(2), is amended by adding the following new language at the end of the subdivision:

Provided, however, if such severely disabled child living with a parent was disabled prior to this child attaining the age of eighteen (18) years and if such child remains severely disabled at the time of entry of a final decree of divorce or legal separation, then the court may order child support regardless of the age of the child at the time of entry of such decree.

SECTION 4. Tennessee Code Annotated, Section 40-11-150(a), is amended by deleting the language "§ 36-3-601(8)," and by substituting instead the following:

§ 36-3-601(7), (10) or (11),

SECTION 5. Tennessee Code Annotated, Section 56-7-2366(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Every insured or policy holder of a group policy of accident and sickness insurance offered for sale in this state, that provides coverage for hospital or medical expenses that also provides coverage to the spouse of the insured, shall provide at least thirty-days' prior notice of the termination of coverage to the covered spouse as a result of a divorce, a legal separation, or other separation. The notice shall be written, filed with the court which is hearing the divorce or legal separation prior to or at the final hearing, and served upon the spouse as provided by Tennessee Rules of Civil Procedure. If no divorce, legal separation or similar legal proceeding is pending, then the notice shall be transmitted by certified mail, return receipt requested, to the last known address of the spouse.

SECTION 6. This act shall become effective on July 1, 2008, the public welfare requiring it.

**PASSED: April 21, 2008**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 6th day of May 2008**

  
PHIL BREDESEN, GOVERNOR